

Message Text

CONFIDENTIAL

PAGE 01 STATE 309290
ORIGIN L-03

INFO OCT-01 ARA-06 ISO-00 SY-05 USSS-00 MCT-01 CIAE-00
DODE-00 PM-04 H-01 INR-07 NSAE-00 NSC-05 PA-01 PRS-01
SP-02 SS-15 USIA-06 /058 R

DRAFTED BY L/ARA:F.ARMSTRONG:JV
APPROVED BY L/ARA:F.WILLIS
ARA/MEX - G. FALK

----- 099756 /60

R 222138Z DEC 76
FM SECSTATE WASHDC
TO AMEMBASSY MEXICO
INFO AMCONSUL MERIDA

C O N F I D E N T I A L STATE 309290

E.O. 11652: GDS

TAGS: PINS, MX, US

SUBJECT: INVESTIGATION OF EVENTS LEADING TO THE ATTEMPTED
ASSASSINATION OF CUBAN CONSUL FERNANDEZ

1. CRIMINAL DIVISION OF THE DEPT. OF JUSTICE HAS REQUESTED
OUR ASSISTANCE IN FACILITATING ITS INVESTIGATION IN
MEXICO OF EVENTS LEADING TO THE ATTEMPTED ASSASSINATION
OF CUBAN CONSUL IN MERIDA, DANIEL FERRER FERNANDEZ, LAST
JULY. JUSTICE WOULD LIKE TO SEND 3 ATTORNEYS TO MEXICO
IN MID-JANUARY AND HOPES THAT THE EMBASSY THROUGH THE
LEGATT CAN GET MEXICAN OFFICIALS TO AGREE TO COOPERATE
PRIOR TO THEIR ARRIVAL.

2. THE ATTORNEYS TENTATIVELY SLATED TO GO ARE:
DAVID BUVINGER, CRIMINAL DIVISION, DEPT. OF JUSTICE;

JEROME SANFORD, ASSISTANT U.S. ATTORNEY FROM MIAMI; AND
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 309290

SINECIO GUTIERREZ, FBI. THEIR PURPOSE WILL BE TO SEEK
PHYSICAL EVIDENCE AND INTERVIEW POTENTIAL WITNESSES FOR
THE PROSECUTION IN THE U.S. OF INDIVIDUALS WHO PARTICIPATED
IN ACTS IN PREPARATION FOR THE CRIME COMMITTED IN
MEXICO WHICH ARE SEPARATE OFFENSES UNDER U.S. LAW. FOR

EXAMPLE, ONE OF THE GUNS AND THE EXPLOSIVES USED WERE ACQUIRED IN MIAMI, AND, UNDER U.S. LAW, IT IS A CRIME TO TRANSPORT EXPLOSIVES IN FOREIGN COMMERCE OR GUNS IN INTERSTATE COMMERCE. THE PROSECUTION HOPES TO DEVELOP A CASE ON THESE GROUNDS, AS WELL AS ESTABLISHING THE EXISTENCE OF A CONSPIRACY IN VIOLATION OF OUR NEUTRALITY ACTS.

3. THE AGENCIES INVOLVED ARE ANXIOUS TO LEARN IF THEY CAN OBTAIN FROM THE MEXICAN AUTHORITIES ANY EXISTING PHYSICAL EVIDENCE FOR USE IN U.S. COURT PROCEEDINGS. IF THEY CANNOT BORROW THE ITEMS THEMSELVES, THEY WOULD LIKE TO MAKE THE NECESSARY ARRANGEMENTS FOR HAVING THEM PHOTOGRAPHED, OR OTHERWISE DUPLICATED, IN A MANNER ACCEPTABLE FOR PRESENTATION IN A U.S. COURT. THIS WOULD MEAN THAT THEY WOULD HAVE TO USE THEIR OWN PHOTOGRAPHERS AND CONDUCT THEIR OWN PHYSICAL AND LABORATORY EXAMINATIONS OF THE EVIDENCE (E.G., FINGERPRINTING, BALLISTICS, AND CHEMICAL EVALUATION). THE ATTORNEYS ALSO NEED TO TALK WITH ANY AVAILABLE POTENTIAL WITNESSES IN ORDER TO DEVELOP THEIR CASE. FOR INSTANCE, THEY HOPE TO BE ABLE TO SPEAK WITH BOTH CIVILIAN AND POLICE WITNESSES TO THE ATTEMPTED ASSASSINATION, AS WELL AS ANYONE WHO COULD ESTABLISH THE PRESENCE OF THE DEFENDANTS IN MERIDA (SUCH AS AIRPORT, HOTEL, AND CAR RENTAL EMPLOYEES). THEY ALSO HOPE THAT THE WITNESSES WILL AGREE TO BE AVAILABLE TO COME TO TESTIFY, AT USG REQUEST AND EXPENSE.

4. THE DEPT. OF JUSTICE DOES NOT WISH TO DO ANYTHING WITHOUT THE KNOWLEDGE AND COMPLETE COOPERATION OF LOCAL CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 309290

AUTHORITIES. THEY WOULD APPRECIATE ANY ASSISTANCE WHICH THE EMBASSY COULD PROVIDE TOWARD SECURING OFFICIAL ENDORSEMENT OF THEIR INVESTIGATORY ACTIVITIES IN MEXICO. WHAT THE DEPT. OF JUSTICE WOULD LIKE, IF POSSIBLE, IS THE AGREEMENT OF APPROPRIATE FEDERAL AUTHORITY TO FACILITATE ITS INVESTIGATION.

5. ON A DIFFERENT NOTE, JUSTICE WILL ALSO NEED THE SERVICES OF AN INTERPRETER. THE PERSON MUST BE SOMEONE UNCONNECTED WITH EITHER SIDE OF THE CASE, AND THEREFORE DISCREPANCIES WHICH MAY ARISE BETWEEN WHAT A PARTICULAR WITNESS HAS SAID ON DIFFERENT OCCASIONS. WHILE THERE IS NO BAR TO HAVING SOMEONE FROM THE EMBASSY FULFILL THIS FUNCTION, THE DEPT. WOULD GREATLY PREFER THAT THE EMBASSY HELP THE DOJ LOCATE A RELIABLE INTERPRETER WITH NO CONNECTION TO THE EMBASSY. OF COURSE, IF THE EMBASSY IS UNABLE TO RECOMMEND WITH CONFIDENCE ANY OUTSIDER FOR THIS JOB, THEN WE HAVE NO OBJECTION TO USE OF SOMEONE AT THE

CONFIDENTIAL

EMBASSY.

6. DEPT. REQUESTS EMBASSY CONCURRENCE IN THIS COURSE OF
ACTION AND COMMENTS.

ROBINSON

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: ASSASSINATION, FOREIGN ASSISTANCE, INVESTIGATIONS, ATTORNEYS, GOVERNMENT MINISTRIES, PERSONNEL ASSIGNMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 22 DEC 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: coburnhl
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE309290
Document Source: CORE
Document Unique ID: 00
Drafter: F.ARMSTRONG:JV
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760470-0598
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19761219/aaaaaqnj.tel
Line Count: 123
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: coburnhl
Review Comment: n/a
Review Content Flags:
Review Date: 26 JUL 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <26 JUL 2004 by CunninFX>; APPROVED <04 NOV 2004 by coburnhl>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: INVESTIGATION OF EVENTS LEADING TO THE ATTEMPTED ASSASSINATION OF CUBAN CONSUL FERNANDEZ
TAGS: PINS, MX, US, JUS, (FERRER FERNANDEZ, DANIEL), (BUVINGER, DAVID), (SANFORD, JEROME), (GUTIERREZ, SINECIO)
To: MEXICO
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006